

to the appropriate law enforcement agency all relevant information the commissioner has concerning the offender, including information on the risk factors in the offender's history and the risk level to which the offender was assigned. After receiving this information, the law enforcement agency may shall make the disclosures permitted or required by clause (2) or (3), as appropriate.

(c) As used in paragraph (b), clauses (2) and (3), "likely to encounter" means that:

(1) the organizations or community members are in a location or in close proximity to a location where the offender lives or is employed, or which the offender visits or is likely to visit on a regular basis, other than the location of the offender's outpatient treatment program; and

(2) the types of interaction which ordinarily occur at that location and other circumstances indicate that contact with the offender is reasonably certain.

(d) A law enforcement agency or official who ~~decides to disclose~~ discloses information under this subdivision shall make a good faith effort to make the notification within 14 days of receipt of a confirmed address from the department of corrections indicating that the offender will be, or has been, released from confinement, or accepted for supervision, or has moved to a new address and will reside at the address indicated. If a change occurs in the release plan, this notification provision does not require an extension of the release date.

(e) A law enforcement agency or official that ~~decides to disclose~~ discloses information under this subdivision shall not disclose the identity or any identifying characteristics of the victims of or witnesses to the offender's offenses.

(f) A law enforcement agency ~~may shall~~ continue to disclose information on an offender ~~under~~ as required by this subdivision for as long as the offender is required to register under section 243.166.

Sec. 6. **EFFECTIVE DATE.**

Sections 1 to 4 are effective August 1, 1999, and apply to persons released from commitment on or after that date. Section 5 is effective the day following final enactment.

Presented to the governor May 24, 1999

Signed by the governor May 25, 1999, 11:42 a.m.

CHAPTER 234—S.F.No. 1262

An act relating to civil actions; limiting liability from year 2000 failures; proposing coding for new law as Minnesota Statutes, chapter 604B.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[604B.01] DEFINITIONS.**

Subdivision 1. TERMS. For purposes of this chapter, the terms in this section have the meanings given them.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 2. **ELECTRONIC COMPUTING DEVICE.** "Electronic computing device" means any computer hardware or software, computer chip, embedded chip, process control equipment, or other information system that:

(1) is used to capture, store, manipulate, or process data; or

(2) controls, monitors, or assists in the operation of physical apparatus that is not primarily used as a computer but that relies on automation or digital technology to function, including, but not limited to, vehicles, vessels, buildings, structures, facilities, elevators, medical equipment, traffic signals, and factory machinery.

Subd. 3. **PERSON.** "Person" means a natural person or a small business as defined in section 645.445.

Subd. 4. **YEAR 2000 PROBLEM.** "Year 2000 problem" means disruptions in electronic communications or the functioning of electronically controlled equipment resulting or reasonably anticipated to result from erroneous data that is or may be supplied by electronic devices in 1999 or on or after January 1, 2000.

Sec. 2. [604B.02] RIGHT TO AFFIRMATIVE DEFENSE BASED ON YEAR 2000 FAILURE.

(a) A person has an affirmative defense to any claim or action brought against the person if the person establishes that the person's default, failure to pay, breach, omission, or other violation that is the basis of the claim against the person was caused by a year 2000 problem associated with an electronic computing device that is not owned, controlled, or operated by the person, and, if it were not for the year 2000 problem, the person would have been able to satisfy the obligations that are the basis of the claim.

(b) If a person establishes an affirmative defense as set forth in paragraph (a), the court shall dismiss the claim without prejudice and the person or entity making the claim against the person shall not reassert the claim as to which the affirmative defense was asserted for a period of 60 days from the date on which the affirmative defense is granted by the court. Any statute of limitations applicable to the claim is tolled for 90 days upon the granting of the affirmative defense under this section.

(c) This section does not affect those transactions upon which a default has occurred before any disruption of financial or data transfer operations attributable to the year 2000 date change.

(d) The granting of the affirmative defense under this section does not impair, extinguish, discharge, satisfy, or otherwise affect the underlying obligation that is the basis of the claim against which the affirmative defense was asserted; except that, the inability of a party to bring the claim based upon the obligation must be delayed as set forth in paragraph (b).

(e) A consumer may dispute directly with, or report to, a consumer reporting agency any item of information in the individual's consumer report resulting from a Year 2000 problem, including any negative credit information resulting from the inability of the consumer to transact financial business and make payments due to a Year 2000 problem. In responding to this dispute or report, a consumer reporting agency shall:

(1) comply with all duties under chapter 13C and the federal Fair Credit Reporting Act, United States Code, title 15, sections 1681 to 1681u; and

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(2) if requested by the consumer, indicate in each consumer report that includes negative credit information a notation that the consumer reported that the item of information resulted from a Year 2000 problem.

Sec. 3. [604B.03] TITLE; EXPIRATION.

This chapter shall be known as the Year 2000 Consumer Protection Act. This chapter expires July 1, 2000.

Sec. 4. EFFECTIVE DATE.

This act is effective the day following final enactment and applies to actions accruing on or after that date.

Presented to the governor May 24, 1999

Signed by the governor May 25, 1999, 11:43 a.m.

CHAPTER 235—H.F.No. 1621

An act relating to the environment; modifying provisions relating to judicial review of agency decisions; modifying requirements for incinerator monitors; amending Minnesota Statutes 1998, sections 115.05, subdivision 11; and 116.85, subdivision 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1998, section 115.05, subdivision 11, is amended to read:

Subd. 11. **JUDICIAL REVIEW.** Any person aggrieved by any final decision for which judicial review is not provided in chapter 14 of the agency or of the commissioner may obtain judicial review thereof pursuant to sections 14.63 to 14.69 if the final decision is made pursuant to the agency's or the commissioner's authority under section 115A.914, this chapter, chapter 116, or the rules adopted thereunder, and if the decision is a final decision pertaining to:

- (1) issuance, amendment, or denial of a permit, license, or certification;
- (2) granting or denial of a variance;
- (3) issuance of an administrative order, except for an administrative penalty order issued pursuant to section 116.072; or
- (4) denial of a contested case hearing on any of the matters listed in clauses (1) to (3).

Sec. 2. Minnesota Statutes 1998, section 116.85, subdivision 3, is amended to read:

Subd. 3. **PERIODICALLY TESTED EMISSIONS.** Should, at any time after normal startup, the permitted facility's periodically tested emissions exceed permit requirements based on accurate and valid emissions data, the facility shall immediately report the exceedance to the commissioner, and the commissioner shall direct the facility to commence appropriate modifications to the facility to ensure its ability to meet permitted

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